

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IDEXX LABORATORIES, INC.,

Plaintiff,

VS.

CONWAY FREIGHT, INC.,

Defendant.

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CIVIL ACTION NO. H-08-1537

SCHEDULING ORDER

1. September 30, 2009 **NEW PARTIES/NEWCLAIMS** must be filed by this date.
2. February 20, 2009 **PLAINTIFF'S EXPERTS** will be designated in accordance with Rule 26(b), FRCP by this date and reports (except medical reports which can be obtained otherwise), shall be tendered. No additional experts will be permitted to testify except for good cause shown.
3. March 27, 2009 **DEFENDANT'S EXPERTS** will be designated in accordance with Rule 26(b), FRCP by this date and reports (except I.M.E. reports which can also be obtained otherwise), shall be tendered. No additional experts will be permitted to testify except for good cause shown.
4. May 1, 2009 **DISCOVERY** should be completed by this date. Counsel may, by agreement, continue discovery beyond the deadlines, but there will be no intervention by the Court, without a showing of extreme prejudice. No trial setting will be vacated because of information acquired in post-deadline discovery.
5. May 8, 2009 **SIGNED JOINT PRE-TRIAL ORDER** (ORIGINAL AND ONE(1) COPY) WITH EXHIBIT LISTS, WHICH CONFORMS TO THE FORMAT SET FORTH IN APPENDIX B OF THE LOCAL RULES.
6. May 15, 2009 **PRE-TRIAL CONFERENCE** at **10:30 a.m.**, before the Magistrate Judge. Limine matters will be addressed at this conference.

7. May 18, 2009 **JURY TRIAL DATE**: Counsel **MUST** be prepared for trial at **9:30 a.m.**, on this date before the District Court.

The pretrial order shall be filed with the office of the District Clerk in HOUSTON and should be joint, succinct, brief and concise. It should be accompanied by (1) a Witness List identifying each witness, and stating whether or not such witness is or is not a fact or expert witness, and regarding the latter, the area of expertise; and (2) an Exhibit List, specifically including vertical columns and blocks, allowing for the indication of whether any piece of evidence has been "marked", "offered", "objected to", "admitted" and "date", for each and every piece of evidence.

IT IS EXPRESSLY ORDERED THAT FAILURE TO ADHERE TO THE REQUIREMENT OF JOINT AND COMPLETE SUBMISSION WILL CONSTITUTE THE BASIS FOR SEVERE SANCTIONS, UP TO AND INCLUDING THE STRIKING OF THE PLEADINGS OF ANY PARTY NOT HEREWITH COMPLYING.

FAILURE TO TENDER APPROPRIATE EVIDENCE LISTS WILL RESULT IN THE OFFENDING PARTIES' PROSCRIPTION FROM OFFERING ANY EVIDENCE AT THE TRIAL IN THIS CAUSE.

If this cause is on the jury docket then the Pretrial Order shall be accompanied by an agreed, and jointly prepared, full and complete jury charge, specifically including all necessary substantial and precatory instructions specifically including the precise details of (1) the *prima facie* elements of any cause of action asserted, (2) legal definitions required by the jury, (3) items of damages, and (4) methods of calculation of damages, together with complete appropriate interrogatory forms. These will be joint, complete, and succinct. In the event that the parties, in good faith, cannot agree upon the language of the charge, the parties will, in any event, submit a single, unified charge, wherein they will set out in the charge each offering, in succession, regarding which there is disagreement, separated by the word "or", with the totality of each such disputed offering to be in emboldened type, and from which the Court can make a single selection. Accompanying the charge will be all authority, citations or related materials which the offering party relies upon, to allow the Court to have an opportunity to fully and completely consider such. **FAILURE TO COOPERATE AND TO JOINTLY SUBMIT THE FULL AND COMPLETE CHARGE, WITH INCLUDED OPTIONS, AS NECESSARY, WILL RESULT IN SEVERE SANCTIONS, UP TO AND INCLUDING THE STRIKING OF THE PLEADINGS OF ANY PARTY, AND SEVERE FINANCIAL SANCTIONS ASSESSED AGAINST ANY OFFENDING ATTORNEY.** There is absolutely no excuse for any delay in the submission of this item.

To insure full notice, each party who receives this notice shall contact all other counsel of record and/or any pro se litigants to insure receipt of notice, and as regards any counsel or pro se litigant claiming non-receipt, the contacting attorney shall forward a copy of it to said counsel or party.

NOTICE

**FAILURE TO COMPLY WITH THIS ORDER WILL RESULT
IN SANCTIONS PURSUANT TO FED.R.CIV.P. 16(f).**

DONE at Houston, Texas, this 5th day of September, 2008.

A handwritten signature in black ink, appearing to read "Samuel B. Kent", written over a horizontal line.

Samuel B. Kent
United States District Judge